

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
***SPECIAL* PUBLIC MEETING**
THURSDAY, December 19, 2023, 6PM
MINUTES

<u>ZBA Members Present:</u>	<u>Public Present:</u>
Daniel Persing, Chair ("Chairman")	Donal Collins, Supv TOC
Stephen Day, Deputy Chair ("SD")	Jody Rael, applicant StonyKill Inc. ("JR")
Adrian Ooms ("AO")	Angus Eaton, mbr TOC Planning Board
Lee Gagne ("LG")	David Levow, mbr TOC Finance Comm
Melissa Voorhees Rouse ("MR") Absent	

Location: in-person meeting using Google Meet hosted from Chatham Town Hall, 488 State Route 295, Chatham, NY.

Dan Persing, Chairman, called the meeting to order at 6:07pm, and described this is a "special" meeting because it was changed from the regularly scheduled date and also that the town attorney had recommended the application for a variance could be reviewed by the Zoning Board. He asked all to stand for the Pledge of Allegiance to the Flag. He then introduced the board members and established a quorum with the four members present. Only members present in person can vote.

Approval of Minutes: from prior month's meeting, November 30, 2023 Chairman tabled to after the review of the application

Communications: Response from DOH re Dymond parcel Septic. Memo from CCPB re exemption of certain actions. Chairman tabled to later in the meeting during Other Business.

OLD BUSINESS

Application for a Variance for Roof Mount Solar Array 100.8 DC KW from StonyKill, Inc., 343 State Route 295, 56.-1-50 At the November 30 Zoning Board meeting, it was determined that this application needed to be reviewed by the town attorney and town board which occurred in a zoom phone call shortly thereafter when the town attorney determined that the zoning board could review this application for a variance from what is currently included in the town code until the town makes changes to the code for industrial applications. It was discussed at the town board workshop meeting on December 7 who recommended the Zoning Board schedule a special meeting in December to move the application along.

Chairman invited the applicant to approach the table and explained that in reviewing the documents in the application, there are two tax id's and two business names at the address, Columbia Falls and Stony Kill Inc., both owned by Jody Rael, the applicant; however the deed in the application is for Columbia Falls at tax ID 56.-1-49. It is necessary to have the correct deed. Chairman had researched this and printed a copy of the correct deed for Stony Kill at tax id 56.-1-50. Applicant confirms it is the correct deed and

corrected tax ID. Chairman accepts the amendment to the application. The correct property name would have to be corrected on the SEAF form and building application.

Chairman asked the applicant about the full height of the building once the panels are in place as there are height restrictions of 35 feet. JR said he would find out and report back with that information, as well as correcting the application forms.

Chairman asked Supervisor Collins about a plan to change the code who replied the town will be working to address all these issues and contemporize all according to the comprehensive plan. LG tells JR that the goal is to have the local law in place; hopefully, JR will be the first and last applicant to go through this.

Chairman asks for a motion re completeness of the application and explains to Jody the process to move to a public hearing.

LG moves the application for a variance for roof top 100kw solar array for Stony Kill Inc., tax ID 56.-1-50 at 343 State Route 295, Chatham, NY 12037, is complete with corrections of the owner name and tax ID on the SEAF and Building Application and proposed full height of building. Chairman adds that the application will move to a public hearing at the Zoning Board Meeting on January 25, 2024, 7pm at the Town Hall; SD seconds, no further discussion; all in favor; motion carries to move to public hearing with corrections to the application.

It is explained to the applicant the requirement of sending notification letters to be sent to abutters via certified mail, return receipt from a list provided by the clerk within 10 days of the meeting.

Approval of Minutes: from prior month's meeting, November 30, 2023 - Chairman asked if the members had read the minutes and if there were any changes, corrections or discussion required. There being none, LG moved that they be accepted as written, SD seconded, all voted in favor except the Chairman, who abstained due to his absence from the November 30 meeting; motion carried to accept minutes from November 30, 2023, meeting as written.

OTHER BUSINESS:

Inquiry to DOH re Dymond septic (4431 State Route 203, Tax ID #14.1-1-22) Chairperson describes response from DOH that they had no records going back before 1986. LG states that the map presented in the application shows septic 109 feet from the well which is beyond what is required. The Planning Board had passed this on to the Zoning Board to see if a variance was needed. Angus Eaton weighed in that Chatham has a requirement of a minimum distance for the well to be 50 feet from the 'property line'. LG says it is 48.9 feet from the 'assumed right of way'. Angus thinks it may not be an issue. Chairman says it will have to be looked at. LG says there also was a math error on the map showing the replacement mobile home, which can be up to 33% larger, was drawn larger than necessary which reduced their allowable area. Angus asks if they are reviewing existing septic from the well head, because he can't imagine it would be in compliance with whatever comes forward. Chairman says yes, that is what they are reviewing; LG reminds him it is existing; Angus says if they approve it because it's existing, it will be ok.

Member Education - review of courses needed.

Continuing discussion of response to American Tower re Resolution dated March 2019 - Chairman working on a draft. Checked the lease which SD had questioned if it might be a 99-year lease, but found nothing, but it's likely it is something that will have to be revisited.

Columbia County Planning Board Memo re possible new exemptions - Tal is reviewing other things that can be exempted from presenting to the County from both the Planning and Zoning boards. Chairman recommends we wait to hear from Tal.

Chairman reminds the board the date of the next meeting. LG notes that the public hearing notice for tonight's meeting had the incorrect address for the applicant on Rte 203 vs Rte 295. Supervisor thanks the Zoning Board for changing their meeting date.

Adjournment - Chairman asks if there is any more business and, if not, will entertain a motion to adjourn. SD moves to adjourn the meeting; LG seconds; all in favor; meeting adjourned 6:42pm.

Next Meeting Date: Thursday, January 25, 2024, 7pm (deadline for materials January 15)

HAPPY HOLIDAYS & HAPPY NEW YEAR!

Respectfully submitted

Dated 12/23/23

P Fallon, Zoning Board Clerk